

Robert A. Weiner (RW-3381)  
McDERMOTT WILL & EMERY LLP  
340 Madison Avenue  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN R. WALCOTT, FRANK	:	
MAISANO, and MARY E. BISHOP	:	
	:	
Plaintiffs,	:	07 Civ. 7072 (AKH)
	:	
v.	:	
	:	<b><u>NOTICE OF MOTION</u></b>
WTC CAPTIVE INSURANCE	:	
COMPANY, INC.; CHRISTINE	:	
LASALA; THE HONORABLE	:	
MICHAEL BLOOMBERG; MARSH	:	
MANAGEMENT SERVICES, INC.;	:	
GAB ROBINS NORTH AMERICA,	:	
INC.; MARK PAGE; LEWIS	:	
FINKELMAN; JEFFREY	:	
FRIEDLANDER; MEREDITH JONES;	:	
MARK MELSON; JAMES	:	
SCHOENBECK; and KENNETH	:	
BECKER, ESQUIRE,	:	
	:	
Defendants.	:	
-----	X	

Please take notice that, upon the annexed Declaration of Robert Weiner and the Exhibits thereto; upon the Memorandum of Law served herewith; upon the Complaint herein and upon all other papers and proceedings heretofore had herein, the undersigned will move this Court, before the Honorable Alvin K. Hellerstein, U.S.D.J., at Room 140 of the U.S. Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be set by the Court, for an Order dismissing the Complaint, including all claims set forth therein, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the ground that it fails to state any claim upon which relief

can be granted, it is barred by the applicable statute of limitations and plaintiffs do not have standing to assert these claims, and granting the Defendants below such other and further relief as may be just and proper.

New York, New York

Dated: August 15, 2007

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*Attorney for Defendant Michael Bloomberg*

*Co-Counsel for Defendants Mark Page, Lewis Finkelman, Jeffrey Friedlander, Meredith Jones, and Kenneth Becker*

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By: Robert A. Weiner  
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To: Worby Groner & Napoli Bern LLP  
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Drinker Biddle & Reath LLP  
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*GAB Robins North America, Inc.*  
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**CERTIFICATE OF SERVICE**

Robert J. Candella, under penalty of perjury, certifies that on the 15th day of August, 2007, I served true and correct copies of the accompanying Notice of Motion; Declaration of Robert A. Weiner (with exhibits annexed thereto); and Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to State a Claim upon the following offices via ECF and by Federal Express:

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A handwritten signature in black ink, appearing to read "Robert J. Candella", written over a horizontal line.

Robert J. Candella